

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

To: **Susan M. Gray, Esq.**

Notice of Filing Deficiency

RE: Petition For Payment of Unclaimed Funds

In Re: **Ronald L. & Mary A. Freewalt**

Case No: 03-61260

UNDER BANKRUPTCY RULE 5005, THE ORIGINAL OF THE ATTACHED DOCUMENT HAS BEEN ACCEPTED FOR FILING. HOWEVER, IT DOES NOT COMPLY WITH AMENDED GENERAL ORDER 90-1 (COPY ENCLOSED) AND FURTHER ACTION IS REQUIRED:

- ☐ Original signature of ☐attorney, ☐creditor must be supplied.
- ☐ Certificate of service with name and address of parties served and date of service must be filed.
- ☐ Copy of trustee's Transmittal of Unclaimed Funds depositing the funds into Treasury as unclaimed, or the receipt to the trustee and list of parties entitled to the unclaimed funds must be appended.
- ☐ In the future, please include:
 - ☐ correct case number and caption.
 - ☐ correct judge.
- ☒ Other: *Claimant's TaxID/SS# Is Not Included On Exhibit A and Exhibit A And All Attachments Need Docketed Separate From The Petition As A Private Docket Event.*

THIS DOCUMENT MUST BE CORRECTED WITHIN 7 BUSINESS DAYS FROM THE DATE OF THIS NOTICE OR THE MOTION WILL NOT BE PROCESSED ANY FURTHER.

*****Please return a copy of this notice with your correction for verification of compliance.*****

I certify that this notice and a copy of the attached document were returned to **Susan M. Gray, Esq.** via regular U.S.P.S..

December 14, 2009

/s/Marezella McCrary
Deputy Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE:

**ELEVENTH AMENDED
GENERAL ORDER NO.
90-1**

**DISPOSITION OF UNCLAIMED
DIVIDENDS**

Issued at Cleveland, Ohio, this 16th day of November, 2007.

It appearing to the court that pursuant to 11 U.S.C. Section 347(a) and 28 U.S.C. Chapter 129, property of a bankruptcy estate unclaimed ninety days after final distribution under Section 726, 1226, or 1326 of Title 11 shall be paid into the registry of the court; and

It further appearing that withdrawal of these funds is governed by 28 U.S.C. Section 2042.

IT IS THEREFORE ORDERED that the following provisions govern release of these funds:

1. Use of the form Petition for Unclaimed Funds and Order Thereon and Exhibit A is required. Any deviation from the standardized petition and exhibit must be explained in bold-faced type within the body of the submitted document.

2. If the claimant or the person authorized to act on behalf of the claimant is an attorney, the petition, exhibit, and all other pleadings and papers shall be filed electronically according to the procedures established by the court, as prescribed by General Order 03-1, as it may be amended.

3. If the claimant or the person authorized to act on behalf of the claimant is not an attorney, but is registered with this Court as an Electronic Case Filing user, the petition, exhibit, and all other pleadings and papers shall be filed electronically according to the procedures established by the court, as prescribed by General Order 03-1, as it may be amended.

4. If the claimant or the person authorized to act on behalf of the claimant is not an attorney, and is not registered with this Court as an Electronic Case Filing user, the petition, exhibit, and all other pleadings and papers must be filed on paper.

5. Ten (10) days following receipt of the above documentation, the Clerk shall refer the proposed order to the appropriate Judge.

Any payment made to a claimant will be issued to the claimant. If the claimant is represented, the payment will be mailed to the claimant's representative.

This amended order shall become effective on December 1, 2007.

FOR THE COURT

/s/ Randolph Baxter

RANDOLPH BAXTER
CHIEF JUDGE

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

In re:)	Case No.
)	
)	Chapter
)	
)	Judge
Debtors)	
)	PETITION FOR UNCLAIMED FUNDS
)	AND ORDER THEREON¹

_____, the Petitioner, under penalty of perjury, declares that the following statements and information are true and correct:

1. _____, the Claimant, was due to receive a distribution from the estate of the Debtor in the above-captioned case in the amount of \$_____.

¹ For purposes of this Petition and the attached Exhibit A, the following terms apply:

- "Claimant" means either (a) a party in the above-captioned case who was due to receive a distribution of funds from the estate of the Debtor, but which funds were instead deposited as unclaimed funds with the Court by the Trustee, or; (b) a person or entity that gained the rights of ownership of the original owner's claim.
- "Authorized Representative" means a person or entity given written authorization by the Claimant to file this Petition on behalf of the Claimant, or a person or entity serving as a duly authorized representative of the estate of a Claimant who is deceased. This includes but is not limited to an employee of the Claimant, a funds locator service, and an attorney-in-fact.
- "Petitioner" means either the Claimant or the Authorized Representative, or an attorney at law representing the Claimant or Authorized Representative.

2. The funds due Claimant were deposited with the Court by the Trustee pursuant to 11 U.S.C. § 347. A copy of the court order depositing the funds into the Treasury/Registry as unclaimed, or a copy of the receipt and attached list of parties entitled to the unclaimed funds, or other supporting documentation, is appended to this Petition.
3. If the current Claimant is not the original holder of the claim, a copy of the documentation of ownership is appended to this Petition. If applicable, this includes proof of any sale of the company, new and prior owner(s), and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership to the unclaimed fund. If the claim has been assigned, this includes copies of all documents evidencing assignment.
4. The Claimant's current name, address, and telephone number are:
Name:
Address:
Telephone Number:
5. The following checked statement applies:

☐ This Petition is being filed on paper, either by mail or in person. The Claimant's Tax ID/Social Security Number and other required documentation are being submitted separately with Exhibit A, and will be docketed by the Court as private docket events.

☐ This Petition is being filed electronically via the Court's Electronic Case Filing system. The Claimant's Tax ID/Social Security Number and other required documentation are being submitted separately as private docket events with Exhibit A.
6. The following checked statement applies:

☐ Petitioner is the Claimant.

☐ Petitioner is the Authorized Representative.

☐ Petitioner is an attorney at law representing the Claimant.

☐ Petitioner is an attorney at law representing the Authorized Representative.

☐ The above subparagraphs do not apply, but Petitioner is entitled to payment of such monies because (state basis for claim):

7. Upon sufficient inquiry, and upon Petitioner's information and belief, this claim has not been previously paid, no other petitions or requests for payment are pending, and there are no other parties other than Claimant entitled to these funds.
8. Petitioner understands that pursuant to 18 U.S.C. § 152, a fine or imprisonment, or both, may be imposed if Petitioner has knowingly and fraudulently made any false statements in this document.
9. Petitioner has served a copy of the Petition for Unclaimed Funds and Order Thereon, Exhibit A, and all attached documents by regular U.S. Mail this ____ day of _____, _____ to the United States Attorney for the Northern District of Ohio, Carl B. Stokes United States Courthouse, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113. The United States Attorney is allowed 10 days from the date of service to file an objection to payment of these funds.
10. WHEREFORE, pursuant to 11 U.S.C. § 347 and 28 U.S.C. § 2042, Petitioner requests that the Court issue an Order directing payment to the Claimant in the amount set forth in section 1, above, and that payment be forwarded to the Petitioner.

Respectfully submitted,

Petitioner's Signature (Bar Number if Attorney)

Petitioner's Address

Petitioner's Phone Number

IT IS SO ORDERED.

#

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

In re:)	Case No.
)	
)	Chapter
)	
Debtors)	Judge
)	

If Petitioner is an attorney at law:

☐ Claimant's Tax ID/ Social Security Number is _____.

If Petitioner is not an attorney at law:

☐ Claimant's Tax ID/ Social Security Number is _____.

☐ If Petitioner is the Claimant, attach the following documents to Exhibit A:

- Proof of identification. This includes a copy of either the Claimant's current driver's license, government ID card, passport, or state-issued ID card.
- An affidavit of the Claimant attesting to the authenticity of the proof of identification.

☐ If Petitioner is an Authorized Representative of the Claimant, attach the following documents to Exhibit A:

- Proof of identification. This includes a copy of either the Authorized Representative's current driver's license, government ID card, passport, or state-issued ID card.
- An affidavit of the Authorized Representative attesting to the authenticity of the proof of identification.
- Proof of the Authorized Representative's permission to file this Petition on behalf of the Claimant. This proof may be demonstrated by either an original power of attorney created by Claimant specifically naming the Petitioner as an Authorized Representative, or by an affidavit executed by a supervisory employee within the Claimant's business attesting to the authority of Petitioner to request unclaimed funds on behalf of the Claimant. If the Claimant is deceased, proof of authorization must include certified copies of probate documents substantiating the Authorized Representative's right to act on behalf of a deceased Claimant's estate.

Petitioner's Signature (Bar Number if Attorney)

Petitioner's Address

Petitioner's Phone Number